

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SCOTT LAMBERT, PH.D.
5716 Laurel Canyon Blvd., #4
North Hollywood, CA 91607

Psychologist's License No. PSY 12547

Respondent.

Case No. W275

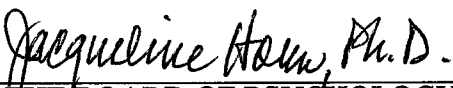
OAH No. L2004060609

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 16, 2005.

It is so ORDERED May 17, 2005.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
Jacqueline Horn, Ph.D.,
President

1 BILL LOCKYER, Attorney General
of the State of California
2 E. A. JONES III, State Bar No. 71375
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2543
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W275

11 SCOTT LAMBERT, Ph.D.
5716 Laurel Canyon Blvd., #4
12 North Hollywood, CA 91607

OAH No. L2004060609

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Psychologist's License No. PSY 12547

14 Respondent.

15
16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Board of Psychology of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
20 which will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation

22 **PARTIES**

23 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
24 of Psychology. He brought this action solely in his official capacity and is represented in this
25 matter by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy
26 Attorney General.

27 2. Scott Lambert, Ph.D. (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about November 21, 1997, the Board of Psychology issued Psychologist's License No. PSY 12547 to Scott Lambert, Ph.D. (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. W275 and will expire on March 31, 2005, unless renewed.

JURISDICTION

4. Accusation No. W275 was filed before the Board of Psychology (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 26, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. W275 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. W275. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. W275.

9. Respondent agrees that his Psychologist's License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary

1 Order below.

2 CIRCUMSTANCES IN MITIGATION

3 10. Respondent Scott Lambert, Ph.D. has never been the subject of any
4 disciplinary action. He is admitting responsibility at an early stage in the proceedings.
5 Respondent admitted himself into the acute detoxification unit at Cri-Help, Inc., immediately
6 after the April 9, 2003, incident which initiated this case, and thereafter enrolled himself in a
7 residential alcohol rehabilitation program at Cri-Help, Inc.

8 RESERVATION

9 11. The admissions made by Respondent herein are only for the purposes of
10 this proceeding, or any other proceedings in which the Board of Psychology or other professional
11 licensing agency is involved, and shall not be admissible in any other criminal or civil
12 proceeding.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Board of Psychology.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
16 Psychology may communicate directly with the Board regarding this stipulation and settlement,
17 without notice to or participation by Respondent. By signing the stipulation, Respondent
18 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
19 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
20 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
21 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
22 parties, and the Board shall not be disqualified from further action by having considered this
23 matter.

24 13. The parties understand and agree that facsimile copies of this Stipulated
25 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
26 force and effect as the originals.

27 14. In consideration of the foregoing admissions and stipulations, the parties
28 agree that the Board may, without further notice or formal proceeding, issue and enter the

1 following Disciplinary Order:

2 **DISCIPLINARY ORDER**

3 IT IS HEREBY ORDERED that Psychologist's License No. PSY 12547 issued to
4 Respondent Scott Lambert, Ph.D. is revoked. However, the revocation is stayed and Respondent
5 is placed on probation for five (5) years on the following terms and conditions.

6 1. **PSYCHOLOGICAL EVALUATION** Within 90 days of the effective date
7 of this Decision and on a periodic basis thereafter as may be required by the Board or its
8 designee, respondent shall undergo a psychological evaluation (and psychological testing, if
9 deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall
10 sign a release which authorizes the evaluator to furnish the Board a current DSM IV diagnosis
11 and a written report regarding the respondent's judgment and/or ability to function independently
12 as a psychologist with safety to the public, and whatever other information the Board deems
13 relevant to the case. The completed evaluation is the sole property of the Board. The evaluation
14 should not be disclosed to anyone not authorized by the Board or by court order.

15 If the Board concludes from the results of the evaluation that respondent is unable
16 to practice independently and safely, respondent shall immediately cease accepting new patients
17 and, in accordance with professional standards, shall appropriately refer/terminate existing
18 patients within 30 days and shall not resume practice until a Board-appointed evaluator
19 determines that respondent is safe to practice. During this suspension period, probation will be
20 tolled and will not commence again until the suspension is concluded.

21 If ongoing psychotherapy is recommended in the psychological evaluation, the
22 Board will notify respondent in writing to submit to such therapy and to select a psychotherapist
23 for approval by the Board or its designee within 30 days of such notification. The therapist shall
24 1) be a California-licensed psychologist with a clear and current license; 2) have no previous
25 business, professional, personal or other relationship with respondent; and 3) not be the same
26 person as respondent's practice monitor. Frequency of psychotherapy shall be determined upon
27 recommendation of the treating psychotherapist with approval by the Board or its designee;
28 however, psychotherapy shall, at a minimum, consist of one one-hour session per week.

1 Respondent shall continue psychotherapy until released by the approved psychologist and
2 approved by the Board or its designee. The Board or its designee may order a re-evaluation upon
3 receipt of the therapist's recommendation.

4 Respondent shall execute a release authorizing the therapist to provide to the
5 Board any information the Board or its designee deems appropriate, including quarterly reports of
6 respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
7 therapist. If the therapist determines the respondent cannot continue to independently render
8 psychological services, with safety to the public, he/she shall notify the Board immediately.

9 Respondent shall pay all costs associated with the psychological evaluation and
10 ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation
11 order.

12 2. PHYSICAL EXAMINATION Within 90 days of the effective date of this
13 Decision, respondent shall undergo a physical examination by a licensed physician and surgeon
14 approved by the Board. Respondent shall sign a release authorizing the physician to furnish the
15 Board a report that shall provide an assessment of respondent's physical condition and capability
16 to safely provide psychological services to the public. If the evaluating physician determines that
17 respondent's physical condition prevents safe practice, respondent shall immediately cease
18 accepting new patients and, in accordance with professional standards, shall appropriately
19 refer/terminate existing patients within 30 days, and shall not resume practice until a Board-
20 appointed evaluator determines that respondent is safe to practice. During this suspension
21 period, probation will be tolled and will not commence again until the suspension is completed.
22 If the evaluating physician determines it to be necessary, a recommended treatment program will
23 be instituted and followed by the respondent with the physician providing written progress
24 reports to the Board on a quarterly basis or as otherwise determined by the Board or its designee.

25 It shall be the respondent's responsibility to assure that the required quarterly
26 progress reports are filed by the treating physician in a timely manner. Respondent shall pay all
27 costs of such examination(s). Failure to pay these costs shall be considered a violation of
28 probation.

1 3. NOTIFICATION TO EMPLOYER Respondent shall provide each of his
2 or her employers, where respondent is providing psychological services, a copy of this Decision
3 and the Accusation or Statement of Issues before commencing employment. Notification to the
4 respondent's current employer shall occur no later than the effective date of the Decision.
5 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
6 compliance with this term of probation.

7 4. ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM Effective
8 30 days from the date of this Decision, respondent shall provide the Board or its designee with
9 proof that an inpatient alcohol abuse recovery program (with a minimum of six (6) months
10 duration) or an equivalent program was commenced and/or successfully completed, commencing
11 with the current period of sobriety. Terminating the program without permission or being
12 expelled for cause shall constitute a violation of probation by respondent. All costs associated
13 with the program shall be paid by respondent. Proof that the program was successfully
14 completed shall suffice to comply with this term of probation.

15 5. ONGOING TREATMENT PROGRAM Respondent shall participate in
16 on-going treatment and/or out-patient treatment such as receiving individual and/or group
17 therapy from a psychologist trained in alcohol and drug abuse treatment; and/or attend Twelve
18 Step meetings or the equivalent as approved by the Board or its designee at least once a week
19 during the first year of probation. Respondent shall provide documentation of attendance at
20 Twelve Step meetings or the equivalent on a quarterly basis to the Board or its designee. All
21 expenses associated with the treatment shall be paid by respondent.

22 6. ABSTAIN FROM ALL NON-PRESCRIBED, CONTROLLED DRUGS
23 AND ALCOHOL AND SUBMIT TO TESTS AND SAMPLES Respondent shall abstain
24 completely from the personal use or possession of controlled substances as defined in the
25 California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211
26 of the Business and Professions Code, or any drugs requiring a prescription unless respondent
27 provides the Board or its designee with documentation from the treating physician and surgeon
28 that the prescription was legitimately issued and is a necessary part of the treatment of

1 respondent. Respondent shall abstain completely from the use of alcoholic beverages.

2 Respondent shall undergo random, biological fluid testing as determined by the Board or its
3 designee. Any confirmed positive finding will be considered a violation of probation.

4 Respondent shall pay all costs associated with such testing. The length of time and frequency of
5 this testing condition will be determined by the Board or its designee.

6 Orders forbidding respondent from personal use or possession of controlled
7 substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for
8 a bona fide illness or condition by a physician and surgeon. Respondent shall provide the Board
9 or its designee with written documentation from the treating physician and surgeon who
10 prescribed medication(s).

11 7. ETHICS COURSE Within 90 days of the effective date of this Decision,
12 respondent shall submit to the Board or its designee for prior approval a course in laws and ethics
13 as they relate to the practice of psychology. Said course must be successfully completed at an
14 accredited educational institution or through a provider approved by the Board's accreditation
15 agency for continuing education credit. Said course must be taken and completed within one
16 year from the effective date of this Decision. The cost associated with the law and ethics course
17 shall be paid by the respondent.

18 8. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
19 shall pay the Board its costs of investigation and enforcement in the amount of \$2,000 within the
20 first two years of probation by making quarterly payments of \$250.00 starting within 90 days of
21 the effective date of this decision and order. Such costs shall be payable to the Board of
22 Psychology and are to be paid regardless of whether the probation is tolled. Failure to pay such
23 costs shall be considered a violation of probation.

24 The filing of bankruptcy by respondent shall not relieve respondent of the
25 responsibility to repay investigation and enforcement costs.

26 9. PROBATION COSTS Respondent shall pay the costs associated with
27 probation monitoring each and every year of probation. Such costs shall be payable to the Board
28 of Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be

1 considered a violation of probation.

2 The filing of bankruptcy by respondent shall not relieve respondent of the
3 responsibility to repay probation monitoring costs.

4 10. OBEY ALL LAWS Respondent shall obey all federal, state, and local
5 laws and all regulations governing the practice of psychology in California including the ethical
6 guidelines of the American Psychological Association. A full and detailed account of any and all
7 violations of law shall be reported by the respondent to the Board or its designee in writing
8 within seventy-two (72) hours of occurrence.

9 11. QUARTERLY REPORTS Respondent shall submit quarterly
10 declarations under penalty of perjury on forms provided by the Board or its designee, stating
11 whether there has been compliance with all the conditions of probation. Quarterly reports
12 attesting to non-practice status are to be submitted if probation is tolled.

13 12. PROBATION COMPLIANCE Respondent shall comply with the Board's
14 probation program and shall, upon reasonable notice, report to the Board of Psychology
15 probation monitor. Respondent shall contact the assigned probation monitor regarding any
16 questions specific to the probation order. Respondent shall not have any unsolicited or
17 unapproved contact with 1) complainants associated with the case; 2) Board members or
18 members of its staff; or 3) persons serving the Board as expert evaluators.

19 13. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
20 appear in person for interviews with the Board or its designee upon request at various intervals
21 and with reasonable notice.

22 14. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
23 writing, through the assigned probation monitor, of any and all changes of employment, location,
24 and address within 30 days of such change.

25 15. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
26 STATE NON-PRACTICE In the event respondent should leave California to reside or to
27 practice outside the State, or for any reason should respondent stop practicing psychology in
28 California, respondent shall notify the Board or its designee in writing within ten days of the

1 dates of departure and return or the dates of non-practice within California. Non-practice is
2 defined as any period of time exceeding thirty days in which respondent is not engaging in any
3 activities defined in Sections 2902 and 2903 of the Business and Professions Code. During
4 periods of non-practice, the probationary period is tolled and respondent's license or registration
5 shall be placed on inactive status. The probationary period will not commence again until
6 respondent activates his or her license and resumes practicing psychology in the state of
7 California. However, the Board may require respondent to complete certain terms of probation
8 that are not associated with active practice and respondent will be required to pay cost recovery
9 and restitution as ordered.

10 16. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is
11 licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise
12 psychological assistants, interns or trainees during the course of this probation. Any such
13 supervisory relationship in existence on the effective date of this probation shall be terminated
14 by respondent and/or the Board.

15 17. FUTURE REGISTRATION OR LICENSURE If respondent is registered
16 as a psychological assistant or registered psychologist and subsequently obtains other
17 psychological assistant or registered psychologist registrations or becomes licensed as a
18 psychologist during the course of this probationary order, this Decision shall remain in full force
19 and effect until the probationary period is successfully terminated. Future registrations or
20 licensure shall not be approved, however, until respondent is currently in compliance with all of
21 the terms and conditions of probation.

22 18. VIOLATION OF PROBATION If respondent violates probation in any
23 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
24 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
25 Revoke Probation is filed against respondent during probation, the Board shall have continuing
26 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
27 is final. No Petition for Modification or Termination of Probation shall be considered while
28 there is an Accusation or Petition to Revoke Probation pending against respondent.


1 19. COMPLETION OF PROBATION Upon successful completion of
2 probation, respondent's license shall be fully restored.

3 20. REINSTATEMENT AND INVESTIGATION/ENFORCEMENT COST
4 RECOVERY Respondent may not petition for reinstatement of a revoked or surrendered
5 license/registration for three years from the effective date of this Decision. If the Board grants
6 future reinstatement, respondent agrees to reimburse the Board for its costs of investigation and
7 enforcement of this matter in the amount of \$2,000 payable to the Board upon the effective date
8 of such reinstatement Decision.

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I
11 understand the stipulation and the effect it will have on my Psychologist's License. I enter into
12 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
13 agree to be bound by the Decision and Order of the Board of Psychology.

14 DATED: January 4, 2005

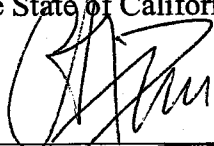
15
16 
17 SCOTT LAMBERT, Ph.D.
18 Respondent

19 ENDORSEMENT

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
21 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

22 DATED: 1/6/05

23 BILL LOCKYER, Attorney General
24 of the State of California

25 
26 E. A. JONES III
27 Deputy Attorney General

28 Attorneys for Complainant

Exhibit A
Accusation No. W275

1 BILL LOCKYER, Attorney General
of the State of California
2 E. A. JONES III, State Bar No. 71375
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2543
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO April 26 20 04
BY *M. Jaackman* ANALYST

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. W275

12 SCOTT LAMBERT, Ph.D.
22100 Erwin Street, #A111
Woodland Hills, CA 91367

ACCUSATION

13 Psychologist's License No. PSY 12547

14 Respondent.
15

16 Complainant alleges:

17 PARTIES

18 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
19 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
20 Affairs.

21 2. On or about November 21, 1991, the Board of Psychology issued
22 Psychologist's License Number PSY 12547 to Scott Lambert, Ph.D. (Respondent). The
23 Psychologist's License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on March 31, 2005, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Psychology (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2960 of the Code states:

3 The board may refuse to issue any registration or license, or may issue a
4 registration or license with terms and conditions, or may suspend or revoke the
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
7 be limited to:

8 (a) Conviction of a crime substantially related to the qualifications, functions or
9 duties of a psychologist or psychological assistant.

10 (b) Use of any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic
12 beverage to an extent or in a manner dangerous to himself or herself, any other person, or
13 the public, or to an extent that this use impairs his or her ability to perform the work of a
14 psychologist with safety to the public.

15 (c) Fraudulently or neglectfully misrepresenting the type or status of license or
16 registration actually held.

17 (d) Impersonating another person holding a psychology license or allowing
18 another person to use his or her license or registration.

19 (e) Using fraud or deception in applying for a license or registration or in passing
20 the examination provided for in this chapter.

21 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

23 (g) Violating Section 17500.

24 (h) Willful, unauthorized communication of information received in professional
25 confidence.

26 (i) Violating any rule of professional conduct promulgated by the board and set
27 forth in regulations duly adopted under this chapter.

28 (j) Being grossly negligent in the practice of his or her profession.

1 (k) Violating any of the provisions of this chapter or regulations duly adopted
2 thereunder.

3 (l) The aiding or abetting of any person to engage in the unlawful practice of
4 psychology.

5 (m) The suspension, revocation or imposition of probationary conditions by
6 another state or country of a license or certificate to practice psychology or as a
7 psychological assistant issued by that state or country to a person also holding a license or
8 registration issued under this chapter if the act for which the disciplinary action was taken
9 constitutes a violation of this section.

10 (n) The commission of any dishonest, corrupt, or fraudulent act.

11 (o) Any act of sexual abuse, or sexual relations with a patient or former patient
12 within two years following termination of therapy, or sexual misconduct that is
13 substantially related to the qualifications, functions or duties of a psychologist or
14 psychological assistant or registered psychologist.

15 (p) Functioning outside of his or her particular field or fields of competence as
16 established by his or her education, training, and experience.

17 (q) Willful failure to submit, on behalf of an applicant for licensure, verification
18 of supervised experience to the board.

19 (r) Repeated acts of negligence.

20 5. Section 2964.6 of the Code states:

21 An administrative disciplinary decision that imposes terms of probation may
22 include, among other things, a requirement that the licensee who is being placed on probation
23 pay the monetary costs associated with monitoring the probation.

24 6. Section 125.3 of the Code states, in pertinent part, that the Board may
25 request the administrative law judge to direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

28 7. Section 490 of the Code states:

1 “A board may suspend or revoke a license on the ground that the licensee has
2 been convicted of a crime, if the crime is substantially related to the qualifications,
3 functions, or duties of the business or profession for which the license was issued. A
4 conviction within the meaning of this section means a plea or verdict of guilty or a
5 conviction following a plea of nolo contendere. Any action which a board is permitted to
6 take following the establishment of a conviction may be taken when the time for appeal
7 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
8 granting probation is made suspending the imposition of sentence, irrespective of a
9 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

10 8. Section 493 of the Code states:

11 “Notwithstanding any other provision of law, in a proceeding conducted by a
12 board within the department pursuant to law to deny an application for a license or to
13 suspend or revoke a license or otherwise take disciplinary action against a person who
14 holds a license, upon the ground that the applicant or the licensee has been convicted of a
15 crime substantially related to the qualifications, functions, and duties of the licensee in
16 question, the record of conviction of the crime shall be conclusive evidence of the fact
17 that the conviction occurred, but only of that fact, and the board may inquire into the
18 circumstances surrounding the commission of the crime in order to fix the degree of
19 discipline or to determine if the conviction is substantially related to the qualifications,
20 functions, and duties of the licensee in question.

21 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
22 ‘registration.’”

23 FIRST CAUSE FOR DISCIPLINE

24 (Conviction of Crime)

25 9. Respondent is subject to disciplinary action under sections 2960,
26 subdivision (a), and 490 of the Code in that respondent was convicted of a crime substantially
27 related to the qualifications, functions or duties of a psychologist. The circumstances are as
28 follows:

1 The Conviction

2 A. On or about April 23, 2003, a felony complaint was filed against
3 respondent in the County of Los Angeles in *The People of the State of California v. Scott Wesley*
4 *Lambert*, Case No. LA042891, alleging:

5 (1) in Count 1 that on or about April 9, 2003, respondent
6 had violated Vehicle Code section 2800.2(a), by driving in a wilful
7 or wanton way while fleeing from a pursuing officer, a felony;

8 (2) in Count 2 that on or about April 9, 2003, respondent
9 had violated Penal Code section 594(a), vandalism, a felony;

10 (3) in Count 3 that on or about April 9, 2003, respondent
11 had violated Vehicle Code section 23152(a), driving a vehicle
12 while under the influence of alcohol, a misdemeanor; and

13 (4) in Count 4 that on or about April 9, 2003, respondent
14 had violated Vehicle Code section 23152(B), driving a vehicle
15 while with 0.08 percent or more, by weight, of alcohol in the
16 person's blood, a misdemeanor.

17 B. On or about April 25, 2003, an arrest warrant in the amount of \$70,000.00
18 issued.

19 C. On or about July 10, 2003, respondent pled *nolo contendere* to Counts 1
20 and 4 of the felony complaint described above in subparagraph 9.A. and was found guilty
21 and convicted of those violations, a felony and a misdemeanor, respectively. Respondent
22 admitted prior allegations pursuant to Vehicle Code sections 23540 (separate violation of
23 driving under the influence within seven years) and 23546 (two separate violations of
24 driving under the influence within seven years) in *The People of the State of California*
25 *v. Scott Wesley Lambert*, Case No. 0NE02060.

26 D. On or about August 14, 2003, as to the conviction for Count 1 referred to
27 in subparagraph 9.C. above, respondent was sentenced to serve three years in state prison,
28 execution of which was suspended and respondent was placed on formal probation under

1 the following terms: serve 365 days in Los Angeles County Jail, less credit 102 days (68
2 days actual custody and 34 days good time/work time; obey all laws and orders of the
3 court; obey all rules and regulations of the probation department; enroll in Cry Help
4 program for 1 year upon release from jail.

5 E. On or about August 14, 2003, as to the conviction for Count 4 referred to
6 in subparagraph 9.C. above, imposition of sentence was suspended and respondent was
7 placed on formal probation for three years with the following terms and conditions: pay a
8 fine of \$390.00 and a State Penalty Fund Assessment of \$780.00 or serve 13 days in
9 county jail; participate in an alcoholic treatment program for 18 months; suspension of
10 driver's license for three years; avoid use or possession of dangerous drugs or alcohol and
11 stay away from places where users, buyers or sellers congregate; avoid association with
12 persons known to be narcotic or drug users or sellers; submit to periodic anti- narcotic
13 tests as directed by the probation department; cooperate with the probation department on
14 a plan for alcohol counseling; seek and maintain training, schooling or employment as
15 approved by the probation department; maintain residence as approved by probation
16 officer; keep probation officer advised of residence and work and home telephone
17 numbers at all times; not drive a motor vehicle unless lawfully licensed and insured; not
18 won, use or possess any dangerous or deadly weapon, including any firearms, knives or
19 other concealable weapons; submit person and property to search or seizure at any time of
20 the day or night by any law enforcement officer or by probation officer with or without a
21 warrant; obey all laws and orders of the court; and obey all rules and regulations of the
22 probation department.

23 Circumstances of the Crime

24 F. On or about April 9, 2003, the vehicle respondent was driving was
25 observed at 11:41 p.m. by officers of the California Highway Patrol (CHP) in a marked
26 patrol car to be swerving violently from lane to lane northbound on Sepulveda Boulevard
27 near Saticoy Street in the San Fernando Valley section of Los Angeles. The CHP officers
28 initiated an enforcement stop but respondent refused to yield and a pursuit began. The

1 pursuit lasted approximately twenty-five minutes covering twenty-four miles in Van
2 Nuys, North Hollywood, Burbank and ending in Glendale, when respondent lost control
3 and crashed his vehicle into a mattress store. During the pursuit respondent ran multiple
4 red lights and reached speeds up to 70 miles per hour on surface streets. Respondent was
5 placed under arrest for felony evading. The arresting CHP officer observed that
6 respondent smelled of alcohol and respondent admitted to the officer that he had been
7 drinking. A subsequent blood alcohol test revealed a reading of .13, well over the legal
8 limit of .08.

9 Substantial Relationship

10 G. Respondent's convictions for driving in a wilful or wanton way while
11 fleeing from a pursuing officer and driving a vehicle while with 0.08 percent or more, by
12 weight, of alcohol in his blood are substantially related to the qualifications, functions
13 and duties of a psychologist. They reflect a lack of sound professional and personal
14 judgment that is relevant to a psychologist's fitness and competence to practice
15 psychology. In this regard alcohol consumption quickly affects normal driving ability,
16 and driving under the influence of alcohol threatens personal safety and places the safety
17 of the public in jeopardy. It further shows a disregard of medical knowledge concerning
18 the effects of alcohol on vision, reaction time, motor skills, judgment, coordination and
19 memory, and the ability to judge speed, dimensions and distance. The convictions also
20 demonstrate an inability or unwillingness of respondent to obey the legal prohibition
21 against drinking and driving and constitutes a serious breach of a duty owed to society.
22 Repeated convictions involving alcohol use reflect poorly on respondent's common sense
23 and professional judgement, which are essential to the practice of psychology, and tend to
24 undermine public confidence in and respect for the profession.

25 SECOND CAUSE FOR DISCIPLINE

26 (Use of Alcohol Creating Danger to Self and Public)

27 10. Respondent is subject to disciplinary action under section 2960,
28 subdivision (b) of the Code in that respondent used alcoholic beverages to an extent or in a

1 manner dangerous to himself, other persons, and the public, or to an extent that this use impairs
2 his ability to perform the work of a psychologist with safety to the public. The circumstances
3 are as follows:

4 A. The facts and circumstances alleged in paragraph 9 are incorporated here
5 as if fully set forth.

6 THIRD CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

8 11. Respondent is subject to disciplinary action under section 2960 of the
9 Code in that he engaged in unprofessional conduct. The circumstances are as follows:

10 A. The facts and circumstances alleged in paragraphs 9 and 10 above are
11 incorporated here as if fully set forth.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Psychology issue a decision:

15 1. Revoking or suspending Psychologist's License Number PSY 12547,
16 issued to Scott Lambert, Ph.D.;

17 2. Ordering Scott Lambert, Ph.D. to pay the Board of Psychology the
18 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
19 the costs of probation monitoring;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: April 26, 2004

22
23 

24 THOMAS S. O'CONNOR
25 Executive Officer
26 Board of Psychology
27 Department of Consumer Affairs
28 State of California
Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
against:

Scott Lambert, Ph.D.

No.: W275

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Suite 22, Sacramento, California 95825. I served a true copy of the attached:

Decision and Order

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Scott Lambert, Ph.D.
5716 Laurel Canyon Blvd., #4
North Hollywood, CA 91607

7003 2260 0007 4804 9798

E.A. Jones III
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

Each said envelope was then on, May 17, 2005, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, May 17, 2005, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT

Marsha Guzzi

Enforcement Analyst